

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7415

BILL NUMBER: HB 1603

NOTE PREPARED: Mar 19, 2009

BILL AMENDED: Mar 19, 2009

SUBJECT: Service Animals.

FIRST AUTHOR: Rep. Leonard

FIRST SPONSOR: Sen. Stutzman

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that it is the policy of the state that individuals with a mental disability: (1) are encouraged to participate fully in the social and economic life of the state and engage in remunerative employment; and (2) shall be employed in positions with state and local government, public schools, and other entities supported by public funds (current law is limited to individuals who are blind or have another visual or physical disability).

The bill provides that a person with a disability is entitled to be accompanied by a service animal (instead of a guide dog) in certain public accommodations (including various educational entities) without an extra charge. It provides that an employer, employment agency, labor organization, or joint labor-management committee must allow an employee with a disability to keep a service animal with the employee at all times.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) This bill expands the definition of public accommodations. This bill can potentially increase the number of Class C infractions assessed against individuals that either refuse or charge fees to individuals that have either a disability or impairment and require the assistance of a service animal to access public accommodations.

Penalty Provision: The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Additionally, the legislation provides that a covered entity may not interfere with the use of a specially trained animal or that a covered entity may not bar a disabled employee from using a specially trained animal. This provision may increase civil litigation to the extent that covered entities violate the provisions of the law and parties seek redress through civil action.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 (or \$70 for an infraction) would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

Court Fee Revenue: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee (or \$70 for an infraction) that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.